



April 9, 2001

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## ENGROSSED SENATE BILL No. 466

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DIGEST OF SB 466 (Updated April 5, 2001 9:39 AM - DI 106)

**Citations Affected:** IC 9-30.

**Synopsis:** Implied consent. Provides that a motorist impliedly consents to submit to a portable breath test offered by a law enforcement officer. Specifies that the law enforcement officer must offer a motorist who fails a portable breath test a chemical test. Requires a law enforcement officer to offer a chemical test to a person who the officer has reason to believe operated a vehicle that was involved in a fatal accident or an accident involving serious bodily injury to determine if alcohol, a controlled substance, or a drug is present in the person's body.

**Effective:** July 1, 2001.

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**Alexa, Wyss**

(HOUSE SPONSORS — DVORAK, YOUNG D)

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January 22, 2001, read first time and referred to Committee on Public Policy.  
February 13, 2001, reported favorably — Do Pass.  
February 19, 2001, read second time, ordered engrossed. Engrossed.  
February 22, 2001, read third time, passed. Yeas 40, nays 9.

HOUSE ACTION

February 26, 2001, read first time and referred to Committee on Courts and Criminal Code.  
April 9, 2001, amended, reported — Do Pass.

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ES 466—LS 7971/DI 69+



April 9, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## ENGROSSED SENATE BILL No. 466

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-30-7-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a) As used in this chapter,**  
3 **"portable breath test" means a hand held apparatus that measures**  
4 **the alcohol concentration in a breath sample delivered by a person**  
5 **into the mouthpiece of the apparatus.**  
6 **(b) As used in this chapter, "fatal accident" means an accident, a**  
7 **collision, or other occurrence that involves at least one (1) vehicle and**  
8 **that results in:**  
9 (1) death; or  
10 (2) bodily injury that gives a law enforcement officer reason to  
11 believe that the death of at least one (1) person is imminent.  
12 SECTION 2. IC 9-30-7-2 IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2001]: Sec. 2. A person who operates a vehicle  
14 impliedly consents to submit to the **portable breath test or** chemical  
15 test under this chapter as a condition of operating a vehicle in Indiana.  
16 A person must submit to each **portable breath test or** chemical test  
17 offered by a law enforcement officer under this chapter to comply with

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1 this chapter.

2 SECTION 3. IC 9-30-7-3 IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A law enforcement officer  
4 ~~may~~ **shall** offer:

5 **(1) a portable breath test; or**

6 **(2) a chemical test;**

7 to any person who the officer has reason to believe operated a vehicle  
8 that was involved in a fatal accident or an accident involving serious  
9 bodily injury. **If the results of a portable breath test indicate the**  
10 **presence of alcohol, the law enforcement officer shall offer a**  
11 **chemical test to the person.**

12 (b) A law enforcement officer may offer a person more than one (1)  
13 **portable breath test or** chemical test under this section. However, all  
14 chemical tests must be administered within three (3) hours after the  
15 fatal accident or the accident involving serious bodily injury.

16 (c) It is not necessary for a law enforcement officer to offer a  
17 **portable breath test or** chemical test to an unconscious person.

18 SECTION 4. IC 9-30-7-5 IS AMENDED TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) A person who refuses to  
20 submit to a **portable breath test or** chemical test offered under this  
21 chapter commits a Class C infraction.

22 (b) In addition to any other penalty imposed, the court may suspend  
23 the person's driving privileges for a period of not more than one (1)  
24 year.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 466, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 466 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 10, Nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 466, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1 begin a new paragraph and insert:

"SECTION 1. IC 9-30-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a) As used in this chapter, "portable breath test" means a hand held apparatus that measures the alcohol concentration in a breath sample delivered by a person into the mouthpiece of the apparatus.**

**(b)** As used in this chapter, "fatal accident" means an accident, a collision, or other occurrence that involves at least one (1) vehicle and that results in:

- (1) death; or
- (2) bodily injury that gives a law enforcement officer reason to believe that the death of at least one (1) person is imminent.

SECTION 2. IC 9-30-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. A person who operates a vehicle impliedly consents to submit to the **portable breath test or** chemical test under this chapter as a condition of operating a vehicle in Indiana. A person must submit to each **portable breath test or** chemical test offered by a law enforcement officer under this chapter to comply with this chapter."

Page 1, line 3, after "offer" insert ":

- (1) a portable breath test; or**
- (2)".**

Page 1, line 3, after "test" insert ";

Page 1, line 3, begin a new line blocked left beginning with "to".

Page 1, line 5, after "injury." insert **"If the results of a portable breath test indicate the presence of alcohol, the law enforcement officer shall offer a chemical test to the person."**

Page 1, line 6, after "(1)" insert **"portable breath test or"**.

Page 1, line 11, before "chemical" insert **"portable breath test or"**.

Page 1, after line 11 begin a new paragraph and insert:

"SECTION 4. IC 9-30-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) A person who refuses to submit to a **portable breath test or** chemical test offered under this chapter commits a Class C infraction.

(b) In addition to any other penalty imposed, the court may suspend the person's driving privileges for a period of not more than one (1)

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year."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 466 as printed February 14, 2001.)

DVORAK, Chair

Committee Vote: yeas 9, nays 0.

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